

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

YANCY E. QUINN,

Plaintiff,

Case No. 08-11023

v.

HONORABLE DENISE PAGE HOOD

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

_____ /

ORDER ACCEPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Virginia Morgan's Report and Recommendation, dated September 29, 2008. To date, none of the parties have filed objections to the Magistrate Judge's Report and Recommendation.

The Magistrate Judge recommended that the Court grant Defendant's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction as Plaintiff has failed to exhaust his administrative remedies as required by 42 U.S.C. § 405(g). After careful review and consideration, the Court finds that the Magistrate Judge reached the correct conclusion for the proper reasons.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Virginia Morgan [Docket No. 8, filed September 29, 2008] is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss [Docket No. 5, filed May

16, 2008] is GRANTED.

IT IS FURTHER ORDERED that, to the extent Plaintiff's Response may be construed as a Motion, [**Docket No. 7, filed June 2, 2008**] it is DENIED.

IT IS FURTHER ORDERED that this CAUSE OF ACTION is DISMISSED WITHOUT PREJUDICE.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: October 28, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record and

Yancy E Quinn
9265 Riviera
Apartment 205
Detroit, MI 48204

on October 28, 2008, by electronic and/or ordinary mail.

S/Lisa Ware for William F. Lewis
Case Manager